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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,381	01/14/2002	Ian Barry Anthony Parr	025866/0102	5769

27433 7590 02/23/2007  
FOLEY & LARDNER LLP  
321 NORTH CLARK STREET  
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CHICAGO, IL 60610-4764

EXAMINER
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DESHPANDE, KALYAN K

ART UNIT	PAPER NUMBER
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3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/047,381	PARR, IAN BARRY ANTHONY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kalyan K. Deshpande	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13,15-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13,15-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Introduction***

1. The following is a final office action in response to the communications received on November 30, 2006. Claims 1-6, 8-13, 15-17, and 19-20 are now pending in this application.

### ***Response to Amendments***

2. Applicants' amendments to claims 1, 9, and 15 are acknowledged. Applicants' cancellation of claims 7, 14, and 18 is acknowledged.

### ***Response to Arguments***

3. Applicants' arguments filed on November 30, 2006 have been fully considered but are not found persuasive. Applicants' argues i) it is not old and well-known in the art to designate activity and task information as incomplete, partially complete, or complete and ii) it is not old and well-known in the art to provide a "means for automatically designating activity groups as being completed upon each of the individual groups included thereunder in the hierarchical organization designated as being completed".

In response to Applicants' arguments that it is not old and well-known in the art to "designate activity and task information as incomplete, partially complete, or complete" and "means for automatically designating activity groups as being completed upon each of the individual groups included thereunder in the hierarchical organization designated as being completed", Examiner respectfully disagrees. Examiner notes the following discussion of Official Notice taken from the MPEP:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common

Art Unit: 3623

knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 (“[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention.”). A general allegation that the claims define a patentable invention without any reference to the examiner’s assertion of official notice would be inadequate. If applicant adequately traverses the examiner’s assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (“[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings” to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner’s assertion of official notice or applicant’s traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner’s assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

Applicants have not “specifically point[ed] out the supposed errors in the examiner’s action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.” Applicants’ broad request for references to support Examiner’s statements of Official Notice amounts to nothing more than an unsupported challenge. For these reasons, “to designate activity and task information as incomplete, partially complete, or complete” and to provide a “means for automatically designating activity groups as being completed upon each of the individual groups included thereunder in the hierarchical organization designated as being completed” are taken to be admitted prior art because Applicant’s traversal was inadequate. Furthermore, Examiner submits Dorgan et al. (U.S. Patent No. 6842760) and Randell (U.S. Patent No. 5768506) as evidence to support that Official Notice was properly taken. Dorgan teaches “to designate activity and task information as

Art Unit: 3623

incomplete, partially complete, or complete" (see column 11 lines 24-67 and column 12 lines 1-15; where tasks can have a status of incomplete or complete or may have a percentage of complete value.). Randell teaches a "means for automatically designating activity groups as being completed upon each of the individual groups included thereunder in the hierarchical organization designated as being completed" (see column 7 lines 29-67; where the node is designated as complete once the tasks associated with the node are complete.).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 8-13, 15-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (U.S. Patent No. 5761674).

As per claim 1, Ito teaches:

A construction project management system for an individual construction project, comprising:

a database including groups of information regarding a plurality of construction projects, the groups of information organized in a hierarchical fashion in accordance with activities pertaining to a construction project, and each group of information designated as either being applicable or inapplicable to a construction project (see column 2 line 5-15, column 2 lines 38-51, column 6 lines 19-35, column 8 lines 1-7,

Art Unit: 3623

column 8 lines 33-56, column 11 lines 17-55, and column 12 lines 33-40, and figures 2 and 3; where a database contains projects and project information. The information is organized in a hierarchical fashion connecting project information with projects. Project information includes cost and development information. Designers also have the ability to create process models. Using different views, designers can associate tasks and activities to a process. Associating tasks and activities is the same as designating information that is applicable or inapplicable.);

at least one group of information including data regarding the nature of a corresponding individual activity (see column 2 line 5-15, column 2 lines 38-51, column 8 lines 1-7, column 8 lines 45-56, and figures 2 and 3; where a database contains projects and project information. The information is organized in a hierarchical fashion connecting project information with projects. Project information includes cost and development information. Project information is data, as it is stored in a database.);

means for observing the groups of information and data included on the database (see column 5 lines 22-59; where the application is constructed with views. Each view allows a user to observe separate information pertaining to the view.); and

means for interacting with the groups of information and data included on the database, the interacting means permitting a user to designate whether a group of information is applicable or inapplicable to a particular construction project (see column 6 lines 19-35, column 8 lines 33-45, column 11 lines 17-55, and column 12

lines 33-40; where users can add and modify data to existing process models.

Designers also have the ability to create process models. Using different views, designers can associate tasks and activities to a process. Associating tasks and activities is the same as designating information that is applicable or inapplicable.),

Ito fails to teach designating information as being not complete, partially complete or completed. It is old and well-known in project management to designate activity and task information as incomplete, partially complete, or complete. The advantage of designating a status to activities and tasks is that it enables a user to more effectively organize information and plan the project. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the feature of designating information as being not complete, partially complete, or completed with the Ito system in order to more effectively organization information and plan the project, which is a goal of Ito (see column 1 lines 34-45).

Ito also fails to explicitly teach "a means for automatically designating groups as being completed upon individual groups being designated as complete". It is old and well-known in the art to automatically designate an activity as complete when all of the tasks associated with that activity are designated as complete. The advantage of this feature is that it facilitates a user to more effectively organize information and plan the project. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the feature of "automatically designating groups as being completed upon individual groups being designated as complete" with the Ito system in



order to more effectively organize information and plan a project, which is a goal of Ito (see column 1 lines 34-45).

As per claim 2, Ito teaches:

The construction project management system of claim 1, wherein the interacting means further permits a user to alter the data corresponding to individual activities (see column 6 lines 19-35, column 8 lines 33-45, column 11 lines 17-55, and column 12 lines 33-40; where users can add and modify data to existing process models.).

As per claim 3, Ito teaches:

The construction project management system of claim 2, wherein the groups of information are organized in a hierarchical fashion so as to include a plurality of phase groups, and wherein at least one phase group includes a plurality of activity groups (see column 2 line 5-15, column 2 lines 38-51, column 8 lines 1-7, column 8 lines 45-56, and figures 2 and 3; where information is organized in a hierarchical fashion. Information is organized in terms of views, where the views have associated tasks and activities. The views are the same as the phases.).

As per claim 4, Ito teaches:

The construction project management system of claim 3, wherein the groups of information are organized in a hierarchical fashion such that at least one of the activity groups includes a plurality of process groups (see column 2 line 5-15, column 2 lines 38-51, column 8 lines 1-7, column 8 lines 45-56, and figures 2 and 3; where information is organized in a hierarchical fashion. Information is organized in terms of views, where the views have associated tasks and activities. The views are



the same as the phases. Figure 2 describes an activity group as a project view, where the project view includes a plurality of process groups.).

As per claim 5, Ito teaches:

The construction project management system of claim 4, wherein the groups of information are organized in a hierarchical fashion such that that at least one of the process groups includes a plurality of task groups (see column 2 line 5-15, column 2 lines 38-51, column 8 lines 1-7, column 8 lines 45-56, and figures 2 and 3; where information is organized in a hierarchical fashion. Information is organized in terms of views, where the views have associated tasks and activities. The views are the same as the phases. Figure 2 describes an activity group as an object view, where the object view includes a plurality of tasks groups required for the construction of a building.).

As per claim 6, Ito teaches:

The construction project management system of claim 5, further comprising means for restricting unauthorized individuals from accessing the system (see column 7 lines 62-67 and column 8 lines 1-45; where the system has preventative steps for restricting unauthorized individuals from accessing the system. Specifically, the user must input a project code, a project name, and their role on the project. A user is further restricted in terms of project role, i.e. a sales individual can only see information relevant to sales individuals. A sales individual would be unauthorized to view other information.).

As per claim 8, Ito teaches:

Art Unit: 3623

The construction project management system of claim 6, further comprising means for adding additional information groups to the system and placing the information group into the hierarchical organization of the system (see column 6 lines 19-35, column 8 lines 33-45, column 11 lines 17-55, and column 12 lines 33-40; where users can add and modify data to existing process models. Designers also have the ability to create process models. Using different views, designers can associate tasks and activities to a process. The ability to create new groups is the same as adding new groups.).

Claims 9-13 recite a method managing a construction project management which is within the construction project management system of claims 1-8; therefore the rejection for this method is the same as the rejection for the system. Claims 9-13 further recite limitations already addressed by the rejection of claims 1-8; therefore these rejections apply to claims 9-13.

Claims 15-17 and 19-20 recite a construction project management system which is the same as the construction project management system for an individual construction project of claims 1-8; therefore the rejection for the system of claims 1-8 applies to the rejection of the system of claims 15-17 and 19-20. Claims 15-17 and 19-20 also recite limitations already addressed by the rejections of claims 1-8; therefore the same rejections apply to claims 15-17 and 19-20.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

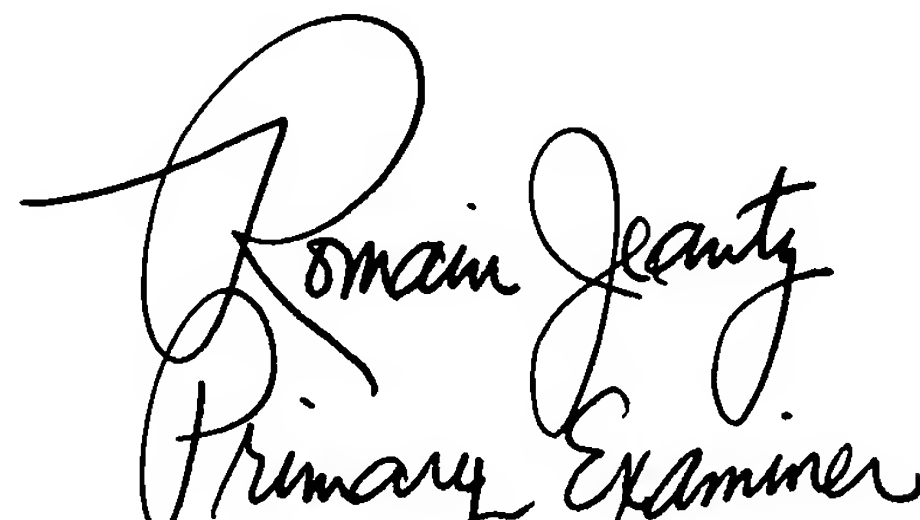
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
kkd

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623